



HOWARD COUNTY HISTORIC PRESERVATION COMMISSION
ELlicott City Historic District ■ LAWYERS HILL Historic District
3430 Court House Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

VOICE 410-313-2350
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February Minutes

Thursday, February 7, 2019; 7:00 p.m.

The February meeting of the Historic Preservation Commission was held on Thursday, February 7, 2019 in the Columbia/Ellicott room located at 3430 Court House Drive, Ellicott City, MD 21043. Ms. Tennor moved to approve the December minutes. Mr. Roth seconded. The motion was unanimously approved. Ms. Tennor moved to approve the January minutes. Mr. Roth seconded. The motion was unanimously approved.

Members present: Allan Shad, Chair; Eileen Tennor, Vice-Chair; Drew Roth, Secretary; Bruno Reich; Erica Zoren

Staff present: Beth Burgess, Susan Overstreet, Kaitlyn Clifford, Lewis Taylor

PLANS FOR APPROVAL

Consent Agenda

1. MA-17-12c – 8241 Main Street, Ellicott City
2. MA-17-45c – 1805 Marriottsville Road, Marriottsville
3. MA-18-27c – 8104 Main Street, Ellicott City
4. MA-18-30c – 8202 Main Street, Ellicott City

Regular Agenda

1. HPC-19-01– 8044 and 8048 Main Street, Ellicott City
2. HPC-19-02 – 3570 Sylvan Lane, Ellicott City
3. HPC-19-03 – 8156 Main Street, Ellicott City
4. HPC-19-04 – 10752 (10756) Scaggsville Road, Laurel
5. HPC-19-05 – 5020 Ten Oaks Road,
6. HPC-19-06 – 8125 Main Street, Ellicott City- emergency
7. HPC-18-63 – 5819 Lawyers Hill Road (6219 Lawyers Hill Road per design guidelines map; continued from December 6 and January 17)

OTHER BUSINESS

1. March meeting date in case of snow

CONSENT AGENDA

MA-17-12c – 8241 Main Street, Ellicott City

Final tax credit claim 20.112.

Applicant: William Franz

Background & Scope of Work: The property is located in the Ellicott City Historic District. According to SDAT, the building dates to 1890. The Applicant was pre-approved for tax credits to repair, replace and repaint the roof, wood siding and façade doors through the Minor Alterations process in case MA-17-12 in March 2017. The Applicant submitted documentation that \$1,400.00 was spent on the eligible, pre-approved work and seeks \$350.00 in final tax credits. There is outstanding work that still needs to be completed, so this MA-17-12 will return for further credits once the work is complete.

Staff Comments: The work complies with that pre-approved and the invoices and cancelled checks add up to the requested amount.

Staff Recommendation: Staff recommends approval as submitted for \$350.00 in final tax credits.

Testimony: Mr. Shad asked if anyone in the audience wished to present testimony. There was no one in the audience who wanted to testify.

Motion: Mr. Roth moved to approve. Mr. Reich seconded. The motion was unanimously approved.

MA-17-45c – 1805 Marriottsville Road, Marriottsville

Final tax credit claim 20.112.

Applicant: Shelly Levey

Background & Scope of Work: This property is not located in a historic district but is listed on the Historic Sites Inventory as HO-191. The Applicant was pre-approved for repairs in-kind to fix the foundation and weatherproof the house through the Minor Alterations process in case MA-17-45 in October 2017. The Applicant has submitted documentation that \$15,800.00 was spent on eligible, pre-approved work. The Applicant seeks \$3,950.00 in final tax credits.

Staff Comments: The work complies with that pre-approved and the invoices and cancelled checks add up to the requested amount.

Staff Recommendation: Staff recommends approval as submitted for \$3,950.00 in final tax credits.

Testimony: Mr. Shad asked if anyone in the audience wished to present testimony. There was no one in the audience who wanted to testify.

Motion: Mr. Roth moved to approve. Mr. Reich seconded. The motion was unanimously approved.

MA-18-27c – 8104 Main Street, Ellicott City

Final tax credit claim 20.112.

Applicant: Holly Hoenes/Chase Development & Construction LLC

Background & Scope of Work: This property is located in the Ellicott City Historic District. According to SDAT, the building dates to 1890. The Applicant was pre-approved for tax credits to: repair damage to the front

façade; replace two wood doors in-kind, including bronze hardware, to match those approved in 2016 (9 light over 2 panel); replace two exterior lights (one on either side of retail door) with the same or similar as approved in 2016 (black outdoor wall light); install new glass in storefront windows; and repaint building with colors previously approved through case MA-18-27 in July 2018. The Applicant has submitted documentation that \$14,626.79 was spent on the eligible, pre-approved work and seeks \$3,656.70 in final tax credits.

Staff Comments: The work complies with that pre-approved and the invoices and cancelled checks add up to the requested amount.

Staff Recommendation: Staff recommends approval as submitted for \$3,656.70 in final tax credits.

Testimony: Mr. Shad asked if anyone in the audience wished to present testimony. There was no one in the audience who wanted to testify.

Motion: Mr. Roth moved to approve. Mr. Reich seconded. The motion was unanimously approved.

MA-18-30c – 8202 Main Street, Ellicott City

Final tax credit claim 20.112.

Applicant: Ronald Peters

Background & Scope of Work: The property is located in the Ellicott City Historic District. According to SDAT, the building dates to 1850. The Applicant was pre-approved for tax credits to remove and replace the existing paver walkway with a new concrete slab, as a measure to weatherproof the basement foundation below the walkway, as well as repair and repaint the front porch due to flood damage, through the Minor Alterations process in case MA-18-30 in August 2018. The Applicant submitted documentation that \$6,400.00 was spent on the eligible, pre-approved work and seeks \$1,600.00 in final tax credits.

Staff Comments: The work complies with that pre-approved and the invoices and cancelled checks add up to the requested amount.

Staff Recommendation: Staff recommends approval as submitted for \$1,600.00 in final tax credits.

Testimony: Mr. Shad asked if anyone in the audience wished to present testimony. There was no one in the audience who wanted to testify.

Motion: Mr. Roth moved to approve. Mr. Reich seconded. The motion was unanimously approved.

Before starting the regular agenda items, Mr. Reich asked if there were any minor alterations that needed to be added to the agenda. Ms. Burgess stated that all the Minor Alteration applications that had been posted on-line had been approved without objection from the Commission or public. Ms. Burgess further clarified that item 10 on the agenda, listed as an emergency for 8125 Main Street for a potential structural issue, did not need to come before the Commission and was being dropped from the agenda.

REGULAR AGENDA

HPC-19-01 – 8044 and 8048 Main Street, Ellicott City

Certificate of Approval & Tax Credit Pre-Approval for Exterior Repairs.

Applicant: Barry Gibson/Old Stone Tavern, LLC.

Background & Scope of Work: This property is located in the Ellicott City Historic District, #HO-62. According to SDAT, the 8044 Main Street building dates back to ca. 1815, while the 8048 Main Street building is late 1800s. Using Stormmeister products, the Applicant seeks approval and tax credit pre-approval to repair and restore the buildings as follows:

8044 Main Street:

1. Replace the opera house entrance door (far east door) with a 42"x 85" Stormmeister door in the Arden style that is a 6 panel door with two high level lights in the Cambridge blue color.
2. Replace the right and left main entry doors with 42"x 84" Stormmeister door in the Ashdown style that is a 2 light over 2 panels in the Cambridge blue color.
3. Remove the damaged storefront display windows and roof, and return to the original façade that will have smaller custom 38"x 66" single pane impact resistant glass with 6 over 6 mullions. All stucco on the façade behind the display windows will be removed and the stone will be re-pointed with white mortar. Any trim or framing will be UPVC and Cambridge blue color. The new windows will have side shutters in dark blue.

8048 Main Street:

4. Replace the house door with a 36"x 82" Stormmeister door in the Arden 6 panel door in the Chartwell green color.
5. Replace the window with a 38"x 54" single pane impact resistant glass window with 2 over 2 mullions with any trim to be in the Chartwell green color. The 1st floor wood panels to veneer the existing façade will be in the Chartwell green color.
6. Install a steel I-beam within the building per structural engineer recommendation for structural integrity of the building.

Staff Comments: The Inventory information for 8044 Main Street states: The lithography of this building dating circa 1832 shows a four bay wide, four and a half story building (Figure 1). "The fenestration of the original first four floors of the building is rectangular, double-hung, holding six-over-six lights and decorated by projecting flat wooden sills." This application is the first certified flood mitigation project to occur in Ellicott City. The Stormmeister products are custom designed with special engineering to be flood resistant. The doors are built within the frame as one cohesive part with doors that open out onto the sidewalk to prevent water from pushing through a door jamb. Prior to Stormmeister, based in the United Kingdom, the floodproof doors in the US were industrial metal doors (Figure 2) that did not offer any historic features or detail. Stormmeister products are custom made and offer paneling, colors and hardware complimentary with a historic district (Figure 3).

The display window storefront is considered historic and would typically be retained, but the both 2016 and 2018 floods destroyed these windows. The Applicant is seeking a solution to retain the historic character of the building, while creating a flood resilient building. The Guidelines do not address flood mitigation, but do make recommendations for renovation of storefronts. Chapter 6. Rehabilitation and Maintenance of Existing Buildings states, "When original details are missing or must be replaced, matching materials should be used, if possible. Saving damaged parts or finding historic documentation of the building's appearance can help in accurately restoring a building's historic appearance...For buildings altered more recently, it is often best to uncover and restore details hidden by alterations." Although the Applicant wants to retain the storefront windows and will be deconstructing the trim and storing the storefront windows, they are not original to the building and potentially dangerous in a flooding situation. The Applicant is seeking to restore the building and proposes modest architecture, similar to what it had prior to the storefront addition. The granite façade is original and will not be altered. The openings to the first floor façade, will not be closed or relocated.

The windows will remain in the same openings within the granite structure but will be one solid impact resistant glass panel custom fit for each opening. Although they will be 6 over 6 and 2 over 2 to complement

the existing windows and conform to historic documentation, they will not be operable windows to maintain a watertight seal. The mullions will be decorative but not true divided light to guarantee the necessary strength to withhold 9 feet of water depth.

Per the Guidelines, the Applicant will “maintain or restore original brick, stone...and make repairs with materials that match the original as closely as possible.”

The colors of the doors and trim match the existing approved colors. The Stormmeister color selection is limited to 21 color options, and Cambridge blue and Chartwell green are appropriate for the existing color palette.

Staff Recommendation: Staff recommends approval as submitted including all Stormmeister products and recommends tax credit pre-approval for this work, including the I-Beam that will provide structural integrity to 8048 Main Street.

Testimony: Mr. Shad swore in the Applicant, Barry Gibson, and asked if he had any information to add or correct in the staff report. Mr. Gibson added that the two main entry doors at 8044 are being replicated instead of replaced with the Ashdown style door. Stormmeister can replicate the existing doors while maintaining the floodproof stability. The doors manufactured in England have better technology than in the United States and higher standards than FEMA requirements. Mr. Gibson stated he had lost \$150,000 in inventory alone in the flood, and this did not include reconstruction of the building or utilities. Mr. Gibson stated he was only able to locate flat plate door/industrial looking doors made for flood proofing from manufacturers in the United States, but Mr. Gibson wanted to replicate the historic doors on his building. Mr. Gibson stated he also intended to add shutters to the windows to add to the façade aesthetics. England’s armored glass was superior to the United States Hurricane glass. Mr. Gibson held up a drawing of the proposed replicated door that was not included in the submittal. Ms. Tennor stated that the proposed door included a much larger window pane of glass. Mr. Gibson stated he was told by the Stormmeister director that the door will have the same strength as the doors provided in the original application.

Ms. Burgess clarified that the Applicant is seeking a Certificate of Approval, in addition to the pre-certification of tax credits, as the agenda only states the application is for tax credits. Ms. Burgess also stated that there were no specifications in the application for the shutters mentioned by the Applicant, so those could be reviewed later through a minor alteration application. Ms. Zoren asked if Mr. Gibson would be installing shutters that were operable, so they could be closed for extra protection during storms. Mr. Gibson said he could install shutters that were operable. Ms. Tennor asked if the shutters would come from the same manufacturer as the door. Mr. Gibson stated that it would be the same manufacturer. Ms. Zoren asked if all the doors for the building at 8044, including the side door, would be blue to match the trim. Mr. Gibson confirmed all doors would be blue.

Motion: Mr. Reich moved to approve the application as submitted with tax credits, and with possible modifications to the door design to replicate the existing. Ms. Tennor seconded. The motion was unanimously approved.

HPC-19-02 – 3570 Sylvan Lane, Ellicott City

Certificate of Approval for Carport Canopies.

Applicant: Charles Kyler

Background & Scope of Work: This property is located in the Ellicott City Historic District, but not in the watershed of the current building mortarium, as this parcel drains into Sucker Branch. According to SDAT, the

building dates to 1898. The Applicant proposes to obtain temporary approval for three carport canopies until the proposed garage/carriage house receives building permits and construction begins. The carport canopies are in the same location and footprint as the future carriage house. The expected timeframe for the construction to begin would be April or May 2019. The Applicant states the canopies are not visible from the road, are 25 feet away from the contributing structure, and protect the vehicles stored under them. The Applicant received approval for the construction of the carriage house garage at the June 2015 HPC meeting, #15-35, but the floods and personal issues delayed the construction.

Staff Comments: Chapter 9. Landscape and Site Elements discusses temporary and Minor Structures but does not address canopies or carports, however approval for such temporary structures is appropriate. Chapter 9 recommends to “construct new site features using materials compatible with the setting and with nearby historic structures” and recommends against new driveways, parking areas, walkways, terraces or other features that substantially alter the setting of a historic building.” The carports are a modern structure with metal posts and a canvas fabric that do not comply with the Guidelines for permanent installation. However, the Applicant is seeking building permits now for the garage, and these carports have protected the vehicles from large overhead branches from the property’s mature trees when used in the past during severe storms.

Staff Recommendation: Staff recommends a temporary 6-month approval for the canopy carports to provide a protected area for vehicles until the construction of the garage is underway.

Testimony: Mr. Reich recused himself from the application as he designed the garage for the Applicant.

Mr. Shad swore in the Applicant, Charles Kyler, and asked if he had any information to add or correct in the staff report. Mr. Kyler stated that the picture of the canopies showed one that had sides to it. Mr. Kyler stated that the carport canopies only had top covers and no side covers. Mr. Kyler had taken the carport canopies down, but his Honda Pilot got totaled from a tree branch falling from a tree on the side of the driveway. Mr. Kyler put the carports back up in October 2018. Mr. Kyler stated that one of the canopies had a hole in it due to a tree branch. Ms. Tennor asked how the carport canopies protected the cars. Mr. Kyler stated the canopy itself didn’t protect much, but the steel frame helped. Ms. Tennor asked if six months would be enough time to have his garage constructed and the carport canopies removed. Mr. Kyler stated it would be.

Motion: Ms. Tennor moved to approve the temporary six-month approval for the carport canopies. Mr. Roth seconded. The motion was unanimously approved.

HPC-19-03 – 8156 Main Street, Ellicott City

Tax Credit Pre-Approval for Exterior Repairs.

Applicant: Don Reuwer/ Master’s Ridge, LLC.

Background & Scope of Work: This property is located in the Ellicott City Historic District. This building was constructed in 1926 for the offices of the Ellicott City Times newspaper, which were located on the second floor. The first floor was commercial space rented out for jewelry store and the post office. The existing infill of the 1920s storefronts, beneath the original first-story cornice, were done prior to the creation of the Historic District, but are not early enough to be considered historic. The building has an enclosed storefront with wood shingles (Figure 7), similar to the Reedy Building at 8229 Main Street prior to its renovation in 2016.

The Applicant proposes to renovate and restore the building, and return the first floor storefront to a more historically appropriate architectural design.

1. The existing front door will be replaced with a wood door to match the 1960s photo.
2. The replacement plate glass front windows will have wood frames painted Geddy White.
3. The east side windows will be restored to their original opening size and the replacement windows will match the second floor windows.
4. The west side wall will be repainted Brickyard Red.

Staff Comments: Much of the original first story configuration can be seen in the c. 1960s photograph (Figure 8), however, the photo depicts a front door had been altered and does not reflect the earlier appearance. Staff has not been able to locate any photographic evidence for the building's earlier appearance. To determine the original details for these storefronts, careful, exploratory demolition could occur to expose any evidence of original architectural features, documenting it prior to renovations. The Applicant has requested that the County's Architectural Historian assist with determining the original configuration and documenting it.

The proposed façade design complies with Chapter 6 of the Guidelines. Chapter 6.H explains, "windows do much to establish the scale and character of a building. The arrangement, size and shape of windows, the details of window frames and sashes and the arrangement of glass panes all contribute to a building's personality." The architectural and historic integrity of this building has quite visibly been damaged over the years with the addition of shingle siding and modern double hung windows. The removal of these features, which are not historic, complies with Chapter 6.H, "replace inappropriate modern windows with windows of appropriate style. If documentary evidence of the original windows is available, chose new windows similar to the original. Otherwise, select windows appropriate to the period and style of the building" and "restore window openings that have been filled in, using physical, pictorial or documentary evidence to accurately restore the building's historic appearance." With the assistance of the County's Architectural Historian, the Applicant plans to start demolition on the inside to reveal evidence of original features on the storefront, such as the case in 2016 at 8289 Main Street (Reedy Building, now Sweet Elizabeth Jane). The work also complies with Chapter 6.K recommendations, "preserve the form and details of existing historic storefronts. Uncover or replace architectural detailing that has been obscured by later additions" and "where physical, photographic or other documentation exists for an earlier storefront...restore the earlier storefront design if the later renovation has not acquired historic significance of its own." The Front Elevation Plan states that the front doors will be replaced to match the previous existing of wood and glass. The windows will revert to plate storefront glass in a wooden frame with Benjamin Moore Geddy White, CW-20, a neutral trim color. The west side of the building is brick that has been painted several decades ago. The Applicant proposes to paint the side of the building with Brickyard Red, CW-235, to better blend with the bricks on the front of the building.

Staff Recommendation: Staff recommends tax credit pre-approval and approval of the application as submitted, with the assistance of the County's Architectural Historian to document what is exposed and help determine the details of any missing architectural elements.

Testimony: Mr. Reuwer, previously sworn in earlier in the meeting, explained that he was planning on converting the building from office to retail. Mr. Reich stated that it was good to return the building to its original design and it will look fantastic.

Mr. Reuwer stated that he has worked with DPZ staff before and he is excited to restore the building and get it back to retail use, which is needed on Main Street. Mr. Reuwer described the alterations from the 1960s they have discovered and stated he will meet with Mr. Ken Short, the County's Architectural Historian, who will help determine the original structure verses what has been modified. Ms. Tennor asked if it would be

Ken Short's first meeting with him. Mr. Reuwer stated that what he tried to do was remove the inside modifications first and now that he can see what was previously there, the shape of the vestibule and the stairs, Mr. Short will become involved. His original submission information was 99% accurate, but the vestibule has a slight angle to it from what was expected, so there may be a few modifications with further exploration. Ms. Burgess stated that Mr. Reuwer was seeking to restore the building elevation as shown in the submittal and would only be returning if the design was drastically different.

Motion: Mr. Reich moved to approve the application as submitted with the tax credits, with the provision that if there are changes, Staff can approve the changes. Ms. Tennor seconded. The motion was unanimously approved.

Ms. Burgess asked if the sign that reads "Times Building" was going back into place. Mr. Reuwer answered that the lettering of the "Times Building" would be going back, as well as the 1926 sign. Mr. Reich asked if the signs were on the sketches. Mr. Reuwer confirmed they were.

HPC-19-04 – 10752 (10756) Scaggsville Road, Laurel

Advisory Comments for Pre-application Approval.

Applicant: Michael P. Lemon

Background & Scope of Work: This property is located on the Historic Sites Inventory as HO-709, 10756 Scaggsville Road. According to the Inventory form, the building was probably constructed circa 1890. DPZ determined it did not need to come before the Commission for Advisory Comments for demolition prior to subdivision, but the Hearing Examiner asked for the recommendation of the HPC regarding this site and the effects of the subdivision on the three adjacent historic sites across Scaggsville Road.

Staff Comments: The house at 10756 Scaggsville Road (HO-709) was conjectured to have been built by John H. Hines shortly after he purchased the property in 1892. The exterior retains its historic form and some of its historic materials (Figure 11). The interior of the house has been substantially modernized with drywall, new windows, doors, and trim. All fireplaces and chimneys have been removed, leaving only one fragment of door trim, a stairway with major alterations, and a mantel that is not in situ (and may have been brought in) as the only historic features visible in the house. Brief examination in the attic hatch and around the foundations reveals what appears to be four periods of construction, three of them historic (and at least one of them probably in log). There is too little remaining in the interior to date these phases or confirm their apparent progression. It seems highly likely that this house began as a tenant house on the farm of Seth W. Warfield, was possibly enlarged by Warfield, and was likely later further enlarged by Hines. The house would not be considered individually eligible for the National Register. Despite this property and 3 adjacent properties being on the Historic Sites Inventory, all four structures have been altered throughout the years to diminish the value of their architectural historic significance.

The neighborhood was assessed for the possibility of a historic district, but given the alterations to the exterior and removal of historical architectural, it was determined that the historic value has been removed. On the south side of the road, the Emmanuel United Methodist Church (HO-708) survives, but is overpowered by several eras of additions (Figure 12). To the west of the church are two houses, one (HO-710, Scaggs House, Figure 13) that has had a brick veneer added to the front of the first story, and a bungalow (HO-711, Figure 14 and 15) that has been at least doubled in size by replicating the old structure (Figure 13). This enlargement, in conjunction with other changes to the house, would render it non-contributing to a historic district. Thus, the little that is left along this portion of Scaggsville Road does not meet the threshold necessary for a historic district.

Understanding of the history of this house can only be had by stripping out much of the later accretions inside (and perhaps some of them on the exterior, too), in order to study the construction and any remaining fragments that may now be hidden. Also worthy of study is the foundation in the cellar of the eastern section, which appears to have been poured in place later and contains numerous artifacts, as yet undated. The study of these can only truly be done through their removal with demolition. The building has the opportunity to enlighten us further on nineteenth-century Howard County dwellings, but probably only through careful, documented demolition.

Neither the brick house (c. 1949), the block barn (Figure 16), or the Butler building are sufficiently historic to warrant preservation. The small frame shed may date to the first quarter of the twentieth century and has some significance, though minimal.

Staff Recommendation: Staff recommends the Commission recognize the diminished character of the subject parcel (HO-9) and its adjacent neighbors (HO-8, HO-10, HO-11) based on the alterations or removal of the architecture that had once made each of the structures significant. Demolition to the house will allow further documentation of the history of this building.

Testimony: Mr. Taylor stated that under Section 16.606, the Commission is directed to advise and assist the Department of Planning and Zoning and the Applicant for a subdivision on identifying historic resources, if the property is in the Historic District or if the property contains a historic structure. A historic structure is defined to include buildings that are on the Historic Sites Inventory and the subject building is on the Inventory. Although this case came through the Hearing Examiner, it actually should have come directly to the Commission.

Mr. Shad swore in the Applicant, Michael Lemon, and asked if he had any information to add or correct in the staff report. Mr. Lemon added that Ken Short had visited the site and Lisa Wingate, his historic consultant, had created the application. Mr. Lemon stated that the site was on the Historic Sites Inventory list, but nothing about the property was deemed historic. The site plan showed the proposed subdivision, but not the original buildings. The pencil sketch depicting the original placement of the house and outbuildings was from an inventory done in 1995 during the Route 216 road improvements. Mr. Reich stated it was a nice depiction of a Howard County farm with several outbuildings, and asked if all the outbuildings that were still there were in dilapidated condition and if the house was open to weather. Ms. Burgess clarified that the large outbuilding was gone or had been demolished. Mr. Roth stated that the large outbuilding was indeed gone, based on his site visit.

Mr. Reich stated that while it was sad to lose a farmette, it had been neglected for half a century. Mr. Reich asked how close the main house was to the road. Mr. Lemon said it was set back 75 feet from the road. Mr. Reich asked if there was some effort to save some of the artifacts from the property. Mr. Lemon stated he was not sure, but he would allow salvage companies to take beams from the structure. Parging on the stone foundation had minor bits of pottery and glass. Mr. Lemon stated Ken Short wanted to look more into the foundation. Mr. Reich stated there were possible portions of a large cabin embedded in the house. Mr. Lemon stated that was what he was referring to when referencing the beams. Mr. Reich stated Mr. Lemon should let Ken Short complete the documentation of the house during the demolition process. Mr. Lemon stated he was agreeable to having Mr. Short return for future investigation and documentation.

Mr. Roth stated that in the Google satellite map the 1920s-10s frame barn was gone, as was the dilapidated frame shed, and one of the two frame sheds across from the house. All that was left was the main house, frame shed and two outbuildings.

Mr. Reich stated the advisory comments were to help the County with documentation during the demolition process and to preserve any valuable artifacts. Preservationists would be interested in trim work and mantels. Mr. Lemon stated he had made that commitment to salvaging and documenting the structures.

HPC-19-05 – 5020 Ten Oaks Road, Clarksville

Advisory Comments for site development plan with demolition.

Applicant: Stephanie Tuite/Fischer, Collins & Carter, Inc.

Background & Scope of Work: This property is a historic home. The Scrivnor Family Farm house (Figure 10), at 5020 Ten Oaks Road, was probably built in 1903 following the destruction by fire of the earlier farmhouse on the property in December 1902. The Applicant proposes a 6-lot subdivision and seeks Advisory Comments for the demolition of this house. The original plan showed the house being saved and restored on Lot 4, but further deterioration has led to a demolition request.

The house has a traditional center-passage plan, one-room deep, with a kitchen ell on the rear that is updated with novelty siding, two cross-gables on the front, a two-story bay window, and a wrap-around porch. In need of painting and some porch repair, several mantels have recently been removed, along with door locks. The original staircase remains in good condition. Other interesting features include:

- An original lattice screen and door on the porch- dividing the front, family section of the porch from the rear, service part of the porch off of the kitchen;
- The original bolelection-moulded front door, with sidelights and transom;
- An original pass-through, from the closet under the stairs to the side porch (now enclosed).

The attic was always finished and may have provided bedrooms for servants. A leak in the roof is in the non-historic family-room addition. Despite a recent lack of maintenance, the house is structurally sound, with a new Buderus furnace.

Staff Comments: This is a historic and significant house that is large enough to compliment the larger modern homes proposed within this subdivision. This house would qualify for the 25% historic property tax credit and most likely the State tax credit of 20%. The house is located within Lot 4 without setback issues.

Staff Recommendation: This application is for Advisory Comments only. The Scrivnor House still retains its historic integrity, remains in relatively good condition, and would be eligible for the Howard County Historic Preservation Tax Credit.

Testimony: Mr. Shad swore in the Applicant, Stephanie Tuite, and asked if she had any information to add or correct in the staff report. Ms. Tuite stated that the property was on Lot 4 of a subdivision that already existed. The application previously came through about three years ago when the subdivision was being developed. Ms. Tuite distributed additional pictures of the home. She stated that the house on the lot had some issues, but now three years later it had more; there was additional decay of the wood behind the siding, there were parts of the house removed in the kitchen, and the previous owners had taken all the mantels and cut out the door knobs. The house had also undergone condensation and water damage. The developer had bought the property, but was now seeking demolition of the house. As this was part of a recorded subdivision, getting advisory comments was a step in the process for demolishing the house.

Ms. Tennor asked why the developer had not bought the house at the time the subdivision was created. Ms. Tuite stated the developer did not buy the property out right but waited until after the settlement. Up until the settlement occurred, one of the representatives of the estate was living in the house. The developer had

intended to renovate the structure until he learned it would take \$500,000 to refurbish the house and bring it up to code.

Mr. Reich asked if a new site plan and stormwater management plan would be needed if the house was demolished. Ms. Tuite stated that as the property was on well and septic, it would need a grading plan but stormwater management would not need to be updated. Mr. Reich asked if the setbacks would be updated as well. Ms. Tuite stated that when they created the lot lines they had to be in such a way that the setbacks worked with the existing house, so the setbacks would not change.

Mr. Reich stated his concern regarding the cost of renovation being more than the new construction cost, as there would be a new grading plan, new foundation and a new house. Mr. Reich asked how many square feet was the house. Ms. Tuite said she did not know. Ms. Zoren stated it was around 5,700 square feet. Mr. Reich stated there was a market of people interested in renovating historic homes and asked how many sites were left on the Historic Sites Inventory. Ms. Burgess stated there were 1,100 sites on the Inventory, but only about 600 sites were existing homes. Mr. Reich recommended the Applicant sell the property as is and asked what the lot was worth with the house on it.

Mr. Shad swore in John Minutoli. Mr. Minutoli stated he had a contract on the house in 2014. Mr. Minutoli stated he wanted to move into the house and restore it, and then sell the subdivided lots. Mr. Minutoli stated by the time the plats were recorded in the third quarter of last year (2018), the house was beyond repair. The holes seen in the pictures were due to termite damage, and the house had been without power for three to four months now. There were buckets to collect water that fell into the house, and they were filled and frozen as there was no heat. Mr. Minutoli stated it would cost \$75,000 to insulate the house per Code and \$50,000 to replace the windows. Mr. Minutoli stated that the lot was worth more than the house.

Mr. Reich stated he believed it would still be a good renovation project. Mr. Minutoli stated that he had wanted to work on the house, but it was not worth it now. Four years ago it might have been, but the representatives of the estate had no money to do any repairs of their own. Mr. Minutoli had given the representatives permission to take the fireplace mantel and one door knob, but the representatives took all the mantels and cut squares into the wood doors where the door knobs were. Mr. Minutoli said he would be happy to have someone come in and document the house and let them take what was salvageable. Mr. Minutoli stated he had put in a new septic system and drilled a new well with the intent to stay in the house, but now it was not worth it. Mr. Minutoli said Mr. Short could come and document the site. The lattice on the porch was interesting, but the porch was not attached to the house and the house was built on stacked stone.

Ms. Zoren stated her frustration that Howard County continued to allow demolition by neglect. Ms. Zoren suggested that Mr. Minutoli take the cost to fix the house out of the purchase price, as there was a discrepancy from the time the contract for the house was written until the actual purchase. Ms. Zoren stated that Howard County needed legislation to help the Commission prevent situations like this from happening. Mr. Minutoli stated that he did not purchase the property and let it sit for several years and then come before the Commission to seek demolition. The condition of the house was changed by the previous owners.

HPC-18-63 – 5819 Lawyers Hill Road (6219 Lawyers Hill Road per design guidelines map; continued from January 17), Elkridge

Continuation of Advisory Comments for Site Development Plan
Applicant: Donald R. Reuwer Jr.

Mr. Shad swore in Mr. Reuwer. There was a preliminary discussion of an ethics complaint filed by the Applicant against a Commissioner. Mr. Shad asked Mr. Reuwer if he had filed an ethics violation against one of the Commission members. The Applicant requested to move forward with the case despite the pending complaint.

Ms. Tennor moved to proceed with advisory comments for HPC-18-63. Mr. Reich seconded. The motion was unanimously approved with Mr. Roth abstaining from the voting on the motion.

Background & Scope of Work: The 8.76-acre property within the Lawyers Hill Historic District, containing an abandoned wood, shingle-sided outbuilding and debris, is zoned R-ED (Residential: Environmental Development). It does not have a principal structure. The Applicant attended the December 6th and January 17th meetings for advisory comments on a proposed subdivision. The case was continued to the February 7th meeting for review of the Forest Stand Delineation Plan and Report and the Grading plan.

Testimony: Mr. Reuwer, previously sworn in earlier in the meeting, returned for testimony with Mr. Oh acting as his counsel. Mr. Shad stated that Mr. Reuwer had brought in additional information, as requested at the January meeting. Mr. Reuwer stated that the question at the last meeting was whether or not the site was a forest and he had submitted the Forest Delineation Plan done by Ecotone. The plan identified the entire site as forest and three different types of forest. Mr. Reuwer stated that he also submitted the preliminary sketch plans that included grading. Mr. Reuwer reiterated he was hoping to get clarification from the Commission about the type of garage that should be on the lots, either attached or detached, and in his application submittal he included both. Mr. Reuwer stated that they tried to minimize grading on the site as much as possible. They initially started with 8 to 10-foot retaining walls, but revised those plans so the earthwork on the site balanced and there was no dirt going off or coming onto the site. Mr. Reuwer stated that Fisher Collins and Carter had done the minimal amount of grading on the site that still met the Design Guidelines and the Design Manual.

Mr. Reich asked if they would be hearing public testimony for the application. Mr. Roth stated that in the previous meeting they had agreed to have public testimony. Ms. Burgess stated that the Commission had stated the public testimony must only pertain to the new information that was provided for the February meeting.

Mr. Reich asked if the two wetlands were staying as they were, outside of the limit of disturbance. Mr. Reuwer said the wetlands were staying as they were and clarified that the ones in the back were submerged gravel wetlands. He added that it was an exciting way to do stormwater management, as it created a new wetland and fed off the existing wetland that was there by effectively expanding the wetland that was there and having it perform a stormwater management function. Mr. Reich stated the new landscaping plan showed trees on either side of the road and every 20 feet around the perimeter. Mr. Reuwer stated his application, the binder submittal, had an enhanced landscaping plan and what the Commission was looking at was the bare minimum County plans. The plan in the binder submittal included the planting of 10-inch caliper trees along the new road and the perimeter of the property.

Mr. Reich stated he was trying to understand the topography. The road comes up from the rear and rises up to a pinnacle that matches the historic house next door and then goes dramatically down about 50 feet. Mr. Reich stated the new grading preserved a little bit of the top of the hill and filled in some areas in the front toward Lawyers Hill Road to make the new road work, because there was a dip in the ravine. Mr. Reich asked the Applicant if he then graded out the back or filled in some of the back or cut a little bit of the middle and filled in the front (west part of the property). Mr. Reuwer stated the plan was to use the houses to pick up the grade, the houses in the back (east part of the property) have been turned so they are walk outs and pick

up 8 feet of grade. They were minimizing the grading by using the front of the houses as the retaining wall, essentially.

Mr. Reich stated that the plans showed a row of trees along the entry road and scattered deciduous trees around the perimeter of the houses. Mr. Reich asked which specimen trees were getting saved. Mr. Reich pointed to parts of the plan for Mr. Reuwer to confirm trees that were being saved. Mr. Reich asked about the evergreen trees on the plan. Mr. Reuwer stated those trees were being added and stated they were proposing to have trees to keep anyone who did not want to see the subdivision from seeing it. Mr. Reuwer said the stormwater management plan was tweaked so the evergreen trees by Ms. Kline's property would remain and not be removed. Mr. Reich stated it seemed on the south side by the Robinson house, the buffer was sparse. Mr. Reuwer said he was putting a thick buffer around the subdivision and was happy to have a thicker buffer in that open space. Mr. Reuwer stated he had a 30-foot setback that allowed for that.

Mr. Shad confirmed that the landscaping and grading would stay the same if the detached garage option was chosen. Mr. Reuwer stated that with the detached garage option, the garage could float up and down with the grade, as it was not attached to the house.

Mr. Reich asked if any of the steep slopes of 15-25% in the front would impact the plan. Mr. Reuwer said that only slopes of 25% and greater were protected, and some slopes, but not all were impacted by the plan. Mr. Reich asked how many of the 23 specimen trees were being taken down. Mr. Reuwer explained that the red 'X' on the plan was a specimen tree being removed and the green trees on the plan were being saved. Mr. Reuwer stated that they had to look at the condition the trees were in, and he tried to save trees closer to the Gables House and Roth property. Mr. Reuwer stated the concern was the old trees were dying and the new emergent forest was challenged with deer, so the new landscape plan with the 10-inch caliper trees would help. Mr. Reich stated he counted 16 specimen trees that were coming down. Mr. Roth stated that after reviewing sheet 2, it appeared that 8 of the trees being removed were in good condition and that would mean one-third of the trees being removed were healthy trees. Mr. Reuwer said some of the trees being removed were due to the location of the road. Mr. Roth stated he saw a 33-inch chestnut oak, a 40-inch tulip poplar, a 37-inch tulip poplar, and a 35-inch tulip poplar all in good condition that would be taken out. Mr. Reuwer stated that could be part of the Commission's recommendation.

Mr. Taylor asked if the specimen tree plan showed all of the trees. Mr. Reuwer said it did. Ms. Burgess clarified it showed all trees 30 inches in diameter or greater. Mr. Reuwer stated that was the definition of a specimen tree. Mr. Reich confirmed that there were 23 specimen trees on the specimen tree list and they matched the specimen trees shown on the plan. Mr. Shad confirmed that the plan and tree list matched.

Public Testimony

Mr. Shad swore in Cathy Hudson, a resident of the Lawyers Hill Historic District in opposition of the application. Ms. Hudson stated her confusion over continuing the hearing, as the Applicant did not supply the list of trees that were 12-inches or greater in diameter as the Applicant was previously instructed. Ms. Hudson stated a tree will absorb 13,000 gallons of water a year and yet the Applicant was taking trees down and putting in impervious surfaces and stormwater management to do the job of what the trees were already doing. Ms. Hudson stated that some of the trees in the best condition were along the Lawyers Hill scenic road and they were the ones that were going to be taken down for stormwater management and for road access. Ms. Hudson stated the entry road needs to be narrower and higher so that one does not have to come down the grade and have to put in so much fill to change the grade. Ms. Hudson stated that R-ED Zoning should not allow for two-thirds of the property to be cleared and graded, as it would not be preserving or protecting the historic and environmental resources.

Ms. Hudson stated no one was mentioning Lawyers Hill Road. Mr. Reuwer owned the land under Lawyers Hill Road and the impervious surface that it is. Ms. Hudson asked if the road area was being used for his density calculations, and noted that it was a historic road, it was 100-years-old and it was a structure. Ms. Hudson asked for the Commission to consider that, along with the stormwater and the calculations.

Mr. Shad swore in Joshua Robinson, a resident of the Lawyers Hill Historic District in opposition of the application. Mr. Robinson stated he lived in the historic Gables House and it is the residence most affected by Mr. Reuwer's development. The addition of the development would cut Mr. Robinson off from the rest of the Historic District. Mr. Robinson was concerned about grading, as there was a ravine between his house and the new subdivision. Mr. Robinson was concerned the increased runoff from the development would disrupt the stream and wetlands that go through the property. Mr. Robinson stated that large trees will be taken out by his house, and one is a 29.5-inch caliper tree that is next to his property and has a root structure on his lot. Mr. Robinson stated that Lots 2, 3, 4, and 6 do not have setbacks from his property and if there were larger setbacks it would protect the trees and the historic viewshed. Mr. Robinson stated the new road would be a double lane public street. With the addition of this public road, his house, per the Guidelines, would need to be protected with setbacks from this new road as the road will allow access for snow removal and emergency services. Mr. Robinson stated the new houses will block and change the historic nature and the change in grading will affect the historic nature of his property and house.

Mr. Shad swore in Dale Schumacher, a resident in Elkridge in opposition of the application. Mr. Schumacher stated that on the northwest side of I-95, neighbors in the National Register Historic District did not participate in going into the local historic district, because they had already put 90 acres of property into permanent preservation. Mr. Schumacher stated that property owners along Belmont Woods Road had taken the steps to commit to future generations, and they had 8 to 9 houses per 90 acres, or about one house per 10 acres. Mr. Schumacher stated the new subdivision was immoral to the Historic District. Mr. Schumacher stated the developers in this situation were free riders and taking advantage of efforts and initiatives that individuals had put into historic preservation. Mr. Schumacher stated he had been a member of the Planning Board when APFO was created, and Howard County was good back in the 90s with thinking about development. Mr. Schumacher asked the Commission to think about the Lawyers Hill Historic District and the condition it would be in 20 to 30 years from now.

Mr. Reich asked Mr. Schumacher what map was included in his testimony and Mr. Schumacher clarified it was the national register district's original filing.

Mr. Shad swore in Mary Lynn Burns Clark, a resident of the Lawyers Hill Historic District in opposition of the application. Ms. Clark stated she appreciated the scenic nature of Lawyers Hill and the wildlife habitat and was concerned it will be lost. Ms. Clark stated she purchased a property in Lawyers Hill because of her love for the views. Ms. Clark stated she wanted to make sure that the Historic District was kept alive and she was worried about additional damage to the trees. Ms. Clark stated she was concerned about setbacks from the road and trees getting plowed by snow removal trucks. Ms. Clark stated she was concerned about water drainage coming from Route 1 right through this area. Ms. Clark stated she did not want to see Lawyers Hill flushed down into the houses because when the developers were gone, who was going to take care of the wet basements of the houses being built.

Mr. Shad swore in Susan Mazzoni, a resident of the Lawyers Hill Historic District in opposition of the application. Ms. Mazzoni stated that she would like to discuss one thing that had not been mentioned at any of the hearings so far. Mr. Oh objected to Ms. Mazzoni speaking about something new. Mr. Taylor stated that the Commission had stated they only wanted to hear new things at the hearing, and they had not yet heard what Ms. Mazzoni was going to say. Mr. Oh stated it must be relevant to the new material brought forth to the hearing tonight, as that is why the hearing had been extended. Ms. Mazzoni stated her point was

relevant and was new. Ms. Mazzoni stated there was a lack of light in Lawyers Hill. Ms. Mazzoni was on the Citizen Patrol and there were no street lights and the lights on the houses were not that bright. Ms. Mazzoni stated the new homes on Lawyers Hill Road built along the I-95 sound walls had lights that were bright like stadiums compared to the other homes. Ms. Mazzoni would hate to have new homes that were not in keeping with the lighting in the Historic District currently.

Mr. Shad announced the Commission was prepared to give Advisory Comments and Ms. Zoren began. Ms. Zoren stated that Lawyers Hill became a historic district to protect one of the most diverse collections of historic homes and landscaping in the state if not the country. The diverse collection of buildings encompasses over 200 years of American architectural stylistic variations, with no two alike.

Ms. Zoren stated the Guidelines note that a primary responsibility of the Commission is to preserve historic building elements visible from public roads, as well as to preserve historic elements that are unique in the Historic District or the County, whether they are visible from public roads or neighboring properties. Based on the National Historic Register, as well as the Commission Guidelines, one of these historic elements is the local landscape and forest. The R-ED district is defined as one that "must protect environmental and historic resources by minimizing the amount of site disturbance and directing development away from these sensitive resources." Ms. Zoren stated that while Mr. Reuwer had attempted to cluster the home sites to minimize disturbance, the sheer amount of homes did not allow for the required protection of environmental and historic resources. Ms. Zoren stated that not only is the entire site a forest, there are multiple stands, each with different tree types and related ecosystems. Most would consider this forest an environmental resource, which the R-ED zoning was intended to protect. Ms. Zoren stated in addition, the District's Guidelines, as well as the National Historic Register, frequently note the forest, landscaping and vegetation as essential to the character of the Historic District, therefore becoming a historic resource as well as an environmental resource.

Ms. Zoren stated that zoning maximums are never a guarantee, but are in fact maximum thresholds. Before allowing maximum zoning, all departments should look closely and review if they are warranted. In this case, a number of small lot homes could threaten and seriously dilute a National Historic Register community as well as a Historic District. Ms. Zoren continued that the plan dilutes the District by proposing a new public road. Currently there are only 2 public roads within the Historic District. By adding one, the total number of roads increases by 50%. Ms. Zoren stated that the increase of 17 homes to a small community of around 30 homes seriously dilutes the District, as well as threatens its very standing as a District.

Ms. Zoren stated the Guidelines recommend new development should continue the District's pattern of development, which is part of the historic environmental setting, by providing large setbacks between new houses and Lawyers Hill Road and Old Lawyers Hill Road. They also recommend retaining existing vegetation and planting new vegetation to screen new homes from these roads. The Guidelines specifically do not recommend new homes with little vegetative screening and shallow setbacks, all of which are key features of this site plan. Ms. Zoren stated for a plan to approach compatibility, landscape buffers from adjacent properties should be increased and buffers screening each new home from each other should be provided as well. The current site plan does not allow sufficient buffering from the new public street, adjacent properties or each other.

Ms. Zoren stated that the Guidelines recommend new buildings visible from the District's public roads should be compatible with the form and scale of the historic homes. To be compatible, homes can vary in size, but are generally one and one-half to two and one-half stories high and often are complex in form. The homes are generally wider than they are high. Ms. Zoren stated that these new homes do not appear to comply with these recommendations. Where new buildings will not blend with historic homes, they should be screened

from public roads by setbacks and vegetation. The proposed homes all front the new public road at a similar, monotonous setback.

Ms Zoren stated that the Guidelines do not recommend garages highly visible from a public road. The proposed front-facing garages are not compatible with the District. She stated that the proposed detached garages are provided with zero lot line homes, which also have no place in the District.

Ms. Zoren stated the Guidelines recommend against new homes constructed of materials not typical of the District. These include no vinyl siding, as well as no vinyl building products. The most common exterior wall material in the Historic District is wood siding consisting of overlapping wood boards running horizontally. Both clapboards and German siding are found, as well as masonry and stone construction. Porches are a dominant feature of many Lawyers Hill residences. Approximately half of the historic homes have porches on the front of the house or wrapping around more than one side. Porches are generally of frame construction with painted wood and will add life to the street. Ms. Zoren stated exposed/unfinished concrete foundations, are inappropriate and incompatible with the District. Any exposed foundation should be faced with a brick or stone veneer, including walkout basements.

Ms. Zoren stated window styles are essential to creating a compatible neighborhood. Window arrangement, size and shape are important in establishing the proportion, scale and character of a building. In designing elevations, remember that as each home should be different, so should its windows. Ms. Zoren stated that the home examples provided in the submission all use the same window types and sizes throughout, and this will not be compatible. Ms. Zoren stated the architectural styles represented in Lawyers Hill are recognizable in part by the ornamental details typical of these styles. The Beazer homes provided as examples do not include sufficient ornamentation or richness of detail for the Lawyers Hill District. Ms. Zoren stated that details such as bargeboard trim, cornice brackets, window trim and ornamental shingles should be included and vary greatly amongst the new homes. Consider the use of dormers to vary the heights of the homes.

Ms. Zoren recommended looking at new urbanist communities such as Maple Lawn. These communities have utilized suburban home builders, with standard plans, and yet out of these basic plans, they were able to create many homes with varying facades, styles and reasonable levels of detail, all while providing rear loaded and detached garages. Ms. Zoren added that care should be taken to improve not just the front elevation, but the sides and rear elevations as well, because blank facades are inappropriate in this location. She added that rear elevations should also be designed and well thought out, as they will impact the adjacent historical resources, and given the lack of buffers will be highly visible.

Ms. Zoren concluded by stating that she is extremely concerned with this plan. Ms. Zoren stated she recommends the Zoning and Planning Boards consider the value of these 17 new construction homes and weigh it against the negative impact they will have on environmental resources, and the Lawyers Hill Historic District.

Mr. Reich stated he agreed with Ms. Zoren. Mr. Reich stated he has a basic problem with the concept and he agreed with the testimony given by Fern Nerwood at the January 17, 2019 meeting that the average lot size in the District is 2.93 acres. Mr. Reich stated this proposal is a major disruption to the flow and character of the District. Mr. Reich said the plan will wipe out 90% of the forest on the site, do some leveling of the ground and then add some landscaping for buffering. Mr. Reich stated that the new development does not want to be part of the Historic District, but a little embryo inside of it and separated from it. Mr. Reich stated he did not like the plan and he does not like that it separates the other historic property to the south from the rest of the District. Mr. Reich recommended the appropriate size of the development was only 3 houses, which would save the existing landscape and grading, and would be consistent with the flow and character of

the District. Mr. Reich also recommended custom homes using clapboard siding, masonry, or brick, and in varying sizes and styles to fit the character of the District.

Mr. Reich stated he understood the financial incentive to subdivide the property as it is R-ED zoned and it was promised to be subdivided back in the 1990s. Mr. Reich stated that is beyond the Commission's purview and is a legal issue. Mr. Reich stated the Commission was here to ask how does subdividing fit within the character of the Historic District. Mr. Reich stated in his opinion the overall concept was off by about 14 houses.

Mr. Roth stated that he concurred with Ms. Zoren and Mr. Reich. He said the Lawyers Hill Overlook proposal has three major issues: destruction of environmental setting, both on site and for the surrounding area; destruction of historic resources; and inappropriate siting and design of homes.

Mr. Roth first addressed the issue of the destruction of environmental setting. Mr. Roth stated the environmental setting is a defining characteristic of the Lawyers Hill Historic District, and the R-ED zoning regulations explicitly describe the purpose of the zoning as protection of environmental resources.

Mr. Roth referenced the Lawyers Hill Historic District Preservation Guidelines, Chapter 3, "In Lawyers Hill, the homes are designed with minimal clearing and grading to blend with the surrounding hillsides and are surrounded by woods and a diverse collection of ornamental trees and shrubs, reflecting the Hill's strong landscaping tradition." He referenced Chapter 8, Section b, when reviewing requests for clearing vegetation, grading, or cutting down trees, the Historic District Commission will consider the impact of the changes and the planned treatment of the area on the historic setting of the District. Minimize removal of mature trees and shrubs and provide for their replacement with similar species whenever possible. Mr. Roth referenced Chapter 9 of the Guidelines "Minimize clearing and grading by designing and siting new structures and other site improvements to blend with the natural contours of the site." Mr. Roth quoted from Chapter 4 of the Guidelines, which incorporate these guidelines from the Secretary of the Interior's guidelines, "[...] new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."

Mr. Roth also referenced Title 16.600 of the County Code, which establishes the Historic Preservation Commission, and states the regulations are adopted "...to regulate construction, alteration, reconstruction, moving and demolition of structures of historic, architectural, and archeological value, together with their appurtenances and environmental settings...".

Mr. Roth referenced the R-ED zoning regulations. According to the zoning regulations, a purpose of R-ED zoning is the protection of environmental resources: "Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance [...]. To accomplish this, the regulations [...] require the development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

Mr. Roth stated that the degree of clearing and grading proposed for the site cannot reasonably be described as "minimal". Mr. Roth stated it is extensive and irreversible, it is contrary to the guidance and purpose of the Guidelines, regulations, and law previously cited, and it will seriously impair the historic value of the surrounding area.

Mr. Roth next addressed the issue of destruction of historic resources.

Mr. Roth noted that the Commission had previously identified two significant historic resources on the site in their Advisory Comments at the April 2018 meeting. The first is the remains of a hearth and a foundation to

the northeast of the existing well house at the south end of the parcel, which are likely the remains of the circa 1845 homestead of Jarrett and Caroline Peddicord. This is Liber/Folio 6/114 in the land records. This resource is also an archeological site. The second is the driveway to the former 1884 home on the site known as Springhurst (HO-443). Land records suggest the driveway is a portion of a historical road known as 'Peddicord's Lane,' which provided access to the Peddicord home site. Peddicord's lane is mentioned in Liber/Folio 6/114, 14/147, and 37/328. Mr. Roth stated that this lane predates Lawyers Hill Road. It leads to Rockburn Branch to a road later called "Bowdoin's Road" along Rockburn Branch, which leads to the current River Road. The lane on this property is an interesting surviving example of the mid-19th century road network.

Mr. Roth noted that the Guidelines, the County code 16.600, the R-ED zoning regulations, and the Subdivision and Land Development regulations (6.118) call for the protection of historic and archaeological resources.

Mr. Roth noted that the Guidelines incorporate the following guidance from the Department of Interior: "Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigative measures shall be undertaken."

Mr. Roth noted that Chapter 9 of the Guidelines specifically state "Historic driveways, walkways and patios should be maintained whenever possible. While the construction materials used for existing driveways are probably not historic, the alignments themselves may be historic and should be retained." "Where needed, install new driveways that are narrow (one lane), constructed of dark colored gravel or

asphalt, and follow the contours of the site to minimize the need for clearing and grading, For new homes, the use of shared driveways should be explored."

Mr. Roth noted that Title 16.118 states "Historic buildings, structures and landscape features which are integral to the historic setting should be located on a single lot of suitable size to ensure protection of the historic structure and setting.

[...] Whenever possible, historic resources should be integrated into the design of the subdivision or site plan.

[...] Access to the historic property should be via its existing driveway, wherever possible.

[...] Achieving the maximum possible density is not sufficient justification to allow adverse impacts on historic resources."

Mr. Roth noted that a purpose of R-ED zoning is the protection of historic resources. The R-ED zoning regulations state "Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance [...]. To accomplish this, the regulations [...] require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures."

Mr. Roth noted that the Commission is required by Title 16.600 to advise the Department of Planning and Zoning of historic resources. Title 16.600 specifically states "Prior to the initial submittal of an application for subdivision or site development plan approval on a site located in a historic district established under this subtitle, [...] the applicant shall request review by the Commission to identify all historic resources on the site and obtain advice from the Commission regarding the design of development." (16.603a)

"[The Historic Preservation Commission shall] Advise and assist the Department of Planning and Zoning in identifying historic resources on property that requires subdivision or site development plan approval and is located in a historic district established under this subtitle or contains an historic structure. Such advice shall be given prior to the initial plan submittal for either subdivision or site development plans." (16.606d)

Mr. Roth stated the preliminary sketch plan provided by the Applicant does not show either of the historic resources identified by the Commission in the advisory comments from April 2018. Mr. Roth advised that it should be revised before the Department of Planning and Zoning undertakes any further consideration of the proposal.

Mr. Roth stated the proposal would destroy the archaeological site as a result of inappropriate and excessive clearing and grading. Mr. Roth stated that this is contrary to the direction found in the historic district guidelines, the R-ED zoning regulations, and Title 16.118.

Mr. Roth stated it is also clear that the historic lane would be destroyed and replaced with a new public road, and there is no precedent for a new public road in the Historic District. Mr. Roth stated that the replacement of the historic lane with a new public road is contrary to the direction found in the historic district guidelines, the R-ED zoning regulations, and Title 16.118.

Mr. Roth next addressed the issue of the inappropriate siting and design of homes.

Mr. Roth stated that each new home in the proposed subdivision will be part of the Lawyers Hill Historic District. These homes are not a “world apart” to be hidden away. The residents of these homes should enjoy the same historic environmental setting as any other resident of the district. If this subdivision results in an incompatible modern development embedded into the historic district, it will create a

precedent that, over time, will turn the historic district into a patchwork of historic and new. The integrity of the district as a whole will be lost.

Mr. Roth stated the Guidelines include information on how to make new homes compatible with the Historic District. Mr. Roth cited these specific parts of the Guidelines:

“While buildings vary considerably in style, they are closely related in scale, materials and environmental setting. [...] The homes were designed with minimal clearing and grading to blend with the surrounding hillsides and are surrounded by woods and a diverse collection of ornamental trees and shrubs, reflecting the Hill's strong landscaping tradition.” (Ch. 3)

“While not readily labeled, these [20th century] vernacular, sometimes eclectic, structures are compatible with the older homes found in the Historic District. This compatibility derives not only from their early 20th century construction, but also their scale, massing, setbacks from roads, frame materials, roof shapes, covered porches and window patterns.” (Ch. 3)

“2. Not Recommended

- Placing a new garage or carport where it blocks or obscures views of a historic house, is highly visible from a public road, or is in a front yard.” (Ch. 7)

“Most homes are set back substantially from public roads and screened by trees and shrubs. New development should continue this pattern, which is part of the historic environmental setting of the District,” (Ch. 8A)

“The homes in Lawyers Hill were sited and designed to blend with the gently rolling hillsides. Forest growth was retained through minimal clearing and grading, and properties were informally landscaped with an assortment of ornamental trees, shrubs and flowers. Mature trees and shrubs and open, naturalized landscape patterns contribute greatly to the Historic District's environmental setting. It is important that new construction retain these landscape characteristics.” (Ch. 8B)

“All homes in the District are single-family detached houses. The Historic District is established to preserve the historic value not only of individual historic buildings, but also of the Lawyers Hill community as a whole.” (Ch. 8C)

“2. Not Recommended

- New houses with foundations or built-in garages that are highly visible from a public road.” (Ch. 8C)

Mr. Roth stated that the proposed houses, to include the appurtenances and environmental setting of the lot upon which each house resides, are not compatible with the historic district. He offered these specific reasons for his assessment:

- The houses do not have sufficient setback from the (new) public road.
- The houses have either front loading garages or zero lot lines, neither of which is compatible with the historic district.
- The houses do not have sufficient spacing between them for the natural, informal landscaping which is a defining characteristic of the district.
- The houses do not have adequate screening by trees and shrubs, both from the public road and from one another.
- The houses typically have unfinished sides and minimal side windows, which is not consistent with the architecture of the district.
- There is no information provided regarding the finish of the rear of the houses. Existing houses in the district are designed to be viewed from all sides, consistent with the natural and informal siting of the homes.
- The proposed street trees are a regularly spaced, formal row, which is not in keeping with the informal, natural landscaping that characterizes the district.

Mr. Roth stated that, taken as a whole, this collection of houses creates an enclave within the district that does not conform to the standards for the district. The proposed houses would seriously impair the historic and architectural value of the surrounding area. This is the first subdivision since the creation of the Lawyers Hill Historic District, and it will set a precedent for future subdivisions. As a result, it would not be appropriate for the Historic Preservation Commission to be lenient in its judgement of this proposal.

Mr. Roth concluded his advisory comments by providing an example of how this parcel might be subdivided and developed that would be compatible with the Historic District.

- Use the existing historic lane as a shared driveway instead of building a new public road.
- Perform minimal grading to smooth the steep grade entering the property. It is understood that this would limit the number of houses to a maximum of 6.
- Locate 6 houses on the high ground at the middle of the lot and on the upper south-facing slope with minimal grading.
- Create no disturbance at all to the north-facing slope except as necessary to grade the shared driveway. This should reduce the need for stormwater management ponds in view of Lawyers Hill Road, a County scenic road. This will preserve the specimen trees on the north facing slope.
- Provide ample separation between houses for informal, natural landscaping.
- Site houses to preserve specimen trees and existing smaller trees between homes.
- Site houses to follow the contour of the land, with no grading.
- Site houses to allow side or rear-entry garages, or detached garages.
- Each house should be unique and finished to the same standard of quality on all sides.
- Locate houses away from the likely Peddicord homestead site, which should be incorporated

- into the open space area containing the wetland on the south end of the site.

Mr. Roth stated that his example would raise none of the issues of the current proposal and gave these reasons:

- It truly has minimal grading and clearing, and preserves the environmental setting that characterizes the district as a whole.
- It preserves the historic resources to the maximum extent.
- Each new home is compatible with the district in terms of scale, massing, appurtenances, and environmental setting within each home's lot.

Ms. Tennor stated she always thinks about her decision's lasting impact on the Historic Districts and the people of Howard County when reviewing applications. Ms. Tennor stated the houses proposed as typical for the new development in Lawyers Hill are in stark contrast to the character of the existing homes of the Historic District in almost every respect. The proposed homes are aligned closely along the new street with uniform setbacks, at uniform intervals, with minimal side yards allowing very little landscaping between units, and little variety in massing, elevations, materials or fenestration.

Ms. Tennor stated the developer consultant has stated that while most of the tree cover of this site will be removed, he proposes to install 10-inch caliper trees along the new street. He bemoans the fact that

under the County Code, the minimum requirement is a 2.5-inch caliper tree and that this usually becomes the maximum installed in a new development. The minimum becomes the maximum and this should not happen.

Ms. Tennor stated the developer then goes on to make the claim that the maximum density allowed under R-ED Zoning is the minimum the Applicant can and should accept. Anything less, he states, would be an unreasonable constraint and a dangerous rupture of the covenant the County has established with property owners. Here the maximum becomes the minimum. Ms. Tennor stated in fact, this maximum density should not be the minimum to even be considered or considered profitable.

Ms. Tennor stated the Commission's position is that the maximum density should not automatically be the minimum for any parcel of land in the County, let alone in either of the County's only two Historic Districts. Ms. Tennor stated there are many factors to be weighed when it comes to land development. Preservation of natural, historic and cultural resources are among the most important of considerations. Ms. Tennor stated she hopes to hear back from the Applicant about a revised plan more in keeping with the historic surroundings and less disruptive of the natural environment.

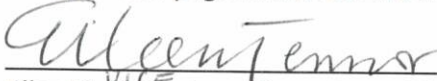
Mr. Shad stated he agreed with the Commissioners' previous comments and concerns, especially as it pertains to density, tree removal, and the amount of grading that is proposed. Mr. Shad stated those are the three major issues for the neighbors and the Commission to be concerned about. Mr. Shad stated those are the Advisory Comments put forth by the Commission and he hopes that the Department of Planning and Zoning takes them to heart. Mr. Shad said he looked forward to future applications that would bring the designs of the houses to the Commission. He stated that each house should be unique and that would be favorable to the Commission and the surrounding community. Mr. Shad stated that he hopes that the Lawyers Hill Historic District will be proud of this plan someday. Mr. Shad said that all of the neighbors will continue to be good neighbors, and he hopes Mr. Reuwer will take all the comments into consideration and make changes based on those comments that move in a positive direction. He thanked the Applicant for the presentations.

OTHER BUSINESS

Ms. Burgess stated that following the February addition of a possible inclement weather make up meeting date, she would like to plan to have March 21, 2019 as the make-up date for the March meeting if there is cancellation due to weather.

Mr. Roth moved to close the meeting. Ms. Tennor seconded. The motion was approved unanimously.

*Chapter and page references are from the Ellicott City or Lawyers Hill Historic District Design Guidelines.


Allan Shad, Chair EILEEN TENNOR


Beth Burgess, Executive Secretary


Kaitlyn Clifford, Recording Secretary